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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of
McMillan et al.

For: **APPARATUS FOR ANALYSIS OF A
NUCLEIC ACID AMPLIFICATION
REACTION**

Serial No.: not yet assigned

Filed: December 19, 2001

Atty. Docket No.: 22660-0025 D1 C1

) Examiner: not yet assigned
)
) Group Art Unit: not yet assigned
)
)
) REQUEST FOR FILING A CONTINUATION
) APPLICATION UNDER 37 CFR §1.53(b)
)
)
)

Express Mail Label No.: EL 912 437 115 US
Mailed in Palo Alto, CA on: December 19, 2001

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/808,674, filed March 24, 2001, of William A. McMillan, Lee A. Christel, David A. Borkholder, and Steven J. Young, for **APPARATUS FOR QUANTITATIVE ANALYSIS OF A NUCLEIC ACID AMPLIFICATION REACTION**.

1. Enclosed is a true copy of the oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):
/X/ the same as those named in the prior application.

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/_/ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ Filing Fee Calculation

Applicant is a [X] Small Entity.

The required fee is calculated below:

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	201				\$ 370
Independent Claims	202	4 - 3=	1 x	\$42=	\$ 42
Total Claims	203	49 -20=	29 x	\$9=	\$ 261

Total Filing Fee\$ 673

4. Payment of Filing Fees:

/X/ A check in the amount of \$673 is enclosed herewith.

/X/ The Commissioner is authorized to charge any additional fees or to credit any overpayment of fees which may be required under 37 C.F.R. \$1.16 and \$1.17, to Deposit Account No. 08-1641, referencing Docket No. 22660-0025 D1 C1. **A duplicate copy of this paper is attached.**

5. The prior application is assigned of record to: Cepheid.

6. The power of attorney in the prior application is to:

William Schmonsees.

/X/ The power appears in the original papers in the prior application.

/_/ A Power of Attorney and Revocation of Prior Powers is enclosed.

7. Please address all future correspondence to:


William Schmonsees
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

8. Documents enclosed:

- /X/ Application: 172 pages (103 pages of description; 18 pages of claims; 1 page of abstract; 50 pages of Appendix; 45 sheets of formal drawings;
- /X/ a true copy of the oath or declaration showing the signature or an indication it was signed;
- /X/ Information Disclosure Statement and PTO Form 1449
- /X/ Check in the amount of \$673
- /X/ 1 Return Receipt Postcard.

Respectfully submitted,

By:


William Schmonsees
Registration No. 31,796

Date:

December 19, 2001

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